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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,969	08/10/2005	Ruediger Kreuter	02968.268USWO	3601

7590 11/17/2008  
HAMRE, SCHUMANN, MUELLER & LARSON, P.C.  
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MINNEAPLIS,, MN 55402-0903

EXAMINER
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HIGGINS, GERARD T

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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11/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicants' amendment filed 11/05/2008 will not be entered because it raises new issues that would require further search; specifically, the limitations of new claims 34 and 35 have not been considered by the Examiner in either of his previous two rejections. Additionally, the limitations applicants are attempting to add into independent claim 23 are different than the limitations of previous presented claim 26 considered in the Office Action mailed on 09/10/2008 given that applicants have narrowed the scope of the claim by deleting the limitations regarding a "magnetic strip," and therefore the Examiner would have to make a new search and consideration of claim 23 and its dependent claims as well.

Second, the Examiner will not enter the amendment dated 11/05/2008 because it raises issues of new matter. Claims 34 and 35 are not supported by the specification as filed. The Examiner found that the closest portion of the specification that relates to claims 34 and 35 is page 5, lines 25-29; however, that section does not specifically disclose claims 34 and 35.

The Examiner also notes that in his previous Office Action dated 09/10/2008 he mentioned the term "identity document substrate" as not being supported by the specification as filed. Please note that this also applies to the phrase "identity document" as recited in the preamble; furthermore, please note that the phrase "document substrate" is not supported by the specification as filed. Applicants'

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specification provides support for "rigid, card-shaped or also flexible substrate" (page 1, line 8); further, the flexible and rigid substrates are defined at page 1, lines 9-11; however, applicants are not supported for "identity documents," "a document substrate," or "an identity document substrate." Having said this, please note that the language of claim 25 was not supported either in the previous Office Action ("identity document substrate") or in this proposed after final amendment ("document substrate comprises a plastic card or an *identity card*"). The **final product** may be "documents such as...an identity card or plastic cards;" furthermore, applicants attention is drawn to page 2, lines 26-27, which affords support for "rigid substrates such as plastic cards;" however, this section does not allow the substrate to be an identity card.

### **Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARD T. HIGGINS whose telephone number is (571)270-3467. The examiner can normally be reached on M-F 9:30am-7pm est. (1st Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerard T Higgins  
Examiner  
Art Unit 1794

/Gerard T Higgins/  
Examiner, Art Unit 1794

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Supervisory Patent Examiner, Art Unit 1794